REMARKS

The present application was filed on January 20, 2000 with claims 1 through 12. Claims 2, 3, 5, 6, 8, 9, 11, and 12 were previously cancelled. Thus, Independent Claims 1, 4, 7 and 10 are presently pending in the above-identified patent application. Each independent claim is amended herein.

In the Office Action, the Examiner rejected the pending independent claims 1, 4, 7 and 10 under 35 U.S.C. §103(a) as being unpatentable over Cruickshank (United States Number 6,389,005) in view of Fichou (United States Number 5,790,522).

With regard to claims 1, 4, and 10, for example, the Examiner asserts that Cruickshank teaches a method for overload control, wherein (among other limitations) the congestion indicator status is based on congestion data from at least one device that participated in the communication (citing the PBX 14 (FIG. 1) during step 134 of FIG. 3b and col. 2, lines 32-36).

Each of the independent claims have been amended to emphasize that the congestion indicator status is based on congestion data from at least *end unit* one device that participated in the communication. Support for this amendment is shown in FIG. 6, step 610 (receive record from PPA), and the packet phone adapters (PPAs) are clearly shown in FIG. 1 to be end unit devices. The PBX of Cruickshank is clearly not an end unit device, as that term is understood by a person of ordinary skill in the art.

In addition, the Examiner acknowledges on page 5 that Cruickshank is silent on setting a timer that will cause the congestion indicator flag to automatically expire after a predefined period of time, wherein the timer expires after a period of time within which the congestion is expected to be alleviated. The Examiner asserts, however, that Fichou teaches setting a timer that will cause the congestion indicator flag to automatically expire after a predefined period of time, wherein the timer expires after a period of time within which the congestion is expected to be alleviated. (citing the timers T1 and T2 of FIG. 5 and the corresponding discussion at col. 7, line48, to col. 8, line 24). In addition, the Examiner notes the discussion in col. 8, lines 12-21 about when the timer values are too small, and the

transmission of packets will again induce congestion.

Each of the independent claims have also been amended to emphasize that the congestion indicator status (or flag) and corresponding timer are reset each time congestion data is received from the at least one end unit device. Support for this amendment is shown in FIG. 6 and the corresponding discussion. The congestion control database maintenance process 600 is initiated during step 610 *upon receipt* of a record from a packet phone adapter (PPA) 200. See page 8, lines 8-10. Each time the process executes the status is updated and the timer is reset (620).

Thus, Cruickshank or Fichou, alone or in combination, do not disclose or suggest *resetting* the congestion indicator status and timer each time the congestion data is received from the at least one *end unit* device, as variously required by each independent claim.

Conclusion

All of the pending claims 1, 4, 7 and 10 are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is greatly appreciated.

Respectfully submitted,

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